



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 4 2010

REPLY TO THE ATTENTION OF:

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Evan Buskohl, Environmental Manager  
Winnebago Reclamation Service  
5450 Wansford Way  
Suite 201  
Rockford, IL 61109

Re: Notice and Finding of Violation  
Winnebago Reclamation Service  
Rockford, Illinois

Dear Mr. Buskohl:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Winnebago Reclamation Service (WRS). The NOV/FOV is being issued under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the terms of the "Standards of Performance for Municipal Solid Waste Landfills" at 40 C.F.R. Part 60, Subpart WWW, the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A, the Illinois State Implementation Plan (SIP), Construction Permit, and the terms of your Title V Operating Permit at your Rockford, Illinois facility.

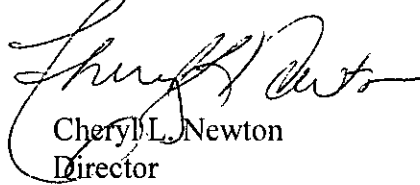
We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contact in this matter is Joseph Ulfig. You may call him at (312) 353-8205 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter.

We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency

**United States Environmental Protection Agency  
Region 5**

<b>IN THE MATTER OF:</b>	)	<b>NOTICE AND FINDING OF</b>
	)	<b>VIOLATION</b>
Winnebago Reclamation Service.	)	
Rockford, Illinois	)	<b>EPA-5-10-07-IL</b>
	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	

**NOTICE AND FINDING OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice and Finding of Violation under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a). U.S. EPA finds that Winnebago Reclamation Service (WRS) in Rockford, Illinois, is violating the "Standards of Performance for Municipal Solid Waste Landfills" at 40 C.F.R. Part 60, Subpart WWW, the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A, the Illinois State Implementation Plan (SIP), Construction Permit, No. 04120073, and Title V Operating Permit, No. 99020102, as follows:

**Regulatory Authority**

1. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.
2. Section 111 of the CAA, 42 U.S.C. § 7411, requires EPA to implement the New Source Performance Standards (NSPS) program. The NSPS are nationally uniform emission standards for new or modified stationary sources falling within industrial categories that significantly contribute to air pollution.
3. On May 31, 1972, U.S. EPA approved Illinois PCB Rule 101 (35 IAC § 201.102), as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842. This rule deals with sources causing an odor nuisance.
4. On February 21, 1980, U.S. EPA approved 35 Illinois Administrative Code (IAC) Part 214, as part of the federally enforceable SIP for Illinois. 45 Fed. Reg. 11472. This Part contains

standards and limitations for emissions of sulfur dioxide from process emission sources located in Illinois.

5. Title V of the CAA, 42 U.S.C §§ 7661 et seq., established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.

6. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations, subsequently codified at 40 C.F.R. Part 70, providing for the establishment of Title V permitting programs.

7. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

#### **WRS's Facility**

8. WRS owns and operates a municipal solid waste landfill at 8403 Lindenwood Road in Rockford, Illinois.

9. WRS' landfill produces landfill gas containing methane, carbon dioxide, hydrogen sulfide, non-methane organic compounds, and other chemicals.

10. WRS sends its landfill gas to a neighboring gas-to-energy facility and on-site flares to control emissions. Sometimes the flares are used concurrently with the gas-to-energy facility to control excess gas not used by the facility.

11. Illinois Environmental Protection Agency (IEPA) issued a Title V Operating Permit (No. 99020102) to WRS on December 30, 2002.

12. IEPA issued a Construction Permit (No. 04120073) to WRS for the construction of an open flare.

13. Condition 7.1.3(c)(ii)(C) of WRS's Title V Operating Permit requires that all collected landfill gas be routed to a control system that complies with the requirements in either paragraph 40 C.F.R. § 60.752(b)(2)(iii) (A), (B) or (C). [40 C.F.R. § 60.752(b)(2)(iii)]

14. Condition 7.1.3(c)(ii)(D) of WRS's Title V Operating Permit requires that the operation of the collection and control device installed to comply with 40 C.F.R. Part 60, Subpart WWW, in accordance with the provisions of 40 C.F.R. §§ 60.753, 60.755 and 60.756. [40 C.F.R. § 60.752(b)(2)(iv)]

15. Condition 7.1.6(a) of WRS's Title V Operating Permit prohibits the hourly emissions of sulfur dioxide from the North Flare from exceeding 1.24 pounds per hour.

16. Conditions 7.1.8(a)(i)(A) and 7.1.8(b)(iv)(C)(2)(I) of WRS's Title V Operating Permit requires WRS to calibrate, maintain, and operate according to the manufacturer's specifications a gas flow rate measuring device that records the flow to the control system(s) at least every 15 minutes. [35 IAC § 201.281 and 40 C.F.R. § 60.756(c)(2)(i)]

17. Condition 7.1.8(b)(iii) of WRS's Title V Operating Permit states that the gas collection and control requirements of 40 CFR 60 Subpart WWW shall apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices. [40 C.F.R. § 60.755(e)]

18. Condition 7.1.10 of WRS's Title V Operating Permit requires that WRS report any deviation from Title V Operating Permit requirements to Illinois EPA within 30 days of such occurrence. [39.5(7)(f)(ii) of the Act].

19. The New Source Performance Standards General Provisions at 40 C.F.R. §60.11(d) requires that WRS maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.

20. Condition 1(b)(iii) of Construction Permit No. 04120073 prohibits WRS from emitting sulfur dioxide from the South Flare at rates greater than 0.40 pounds per hour.

21. 35 IAC § 201.141 states that no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois.

22. 35 IAC § 201.102 defines air pollution as "the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property."

23. 35 IAC § 214.301 states that no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2,000 parts per million (ppm).

24. In January of 2010, IEPA notified U.S. EPA that it had received numerous citizen complaints concerning odor from residents in the area near WRS.

25. On July 24, 2009, WRS reported to IEPA that landfill gas samples taken in June 2009 showed that concentrations of total reduced sulfur compounds were present at concentrations of 2,600 and 2371 ppm.

26. In this July 2009 letter, WRS indicated that the elevated concentrations of sulfur compounds found in its landfill gas can be attributed to the use of construction and demolition aggregate for daily cover, and that WRS had exceeded the emission standards for sulfur dioxide from both the North Flare and the South Flare.

27. In periodic reports to IEPA, WRS has reported that since 2007, there have been 84 occasions greater than one hour that the landfill gas control system has not been operational.

28. In periodic reports to IEPA, WRS reported that flow rate monitoring data was not available for a ten hour time period on January 4, 2007.

29. In periodic reports to IEPA for the period between January and December of 2007, WRS reported that it had not submitted a deviation report to IEPA within 30 days.

### **Violations**

30. By failing to continuously operate the equipment used to control the landfill gas, WRS is in violation of Title V Operating Permit Conditions 7.1.3(c)(ii)(C and D), and 40 C.F.R. § 60.752(b)(2)(iii and iv).

31. By emitting sulfur dioxide in excess of 1.24 pounds per hour from the North Flare, WRS is in violation of Title V Operating Permit Condition 7.1.6(a).

32. By having landfill gas control device start-up, shut-down, or malfunction events longer than one hour, WRS is in violation of Title V Operating Permit Condition 7.1.8(b)(iii), and 40 C.F.R. § 60.755(e).

33. By failing to have data for the gas flow to the South Flare for ten hours on January 4, 2007, WRS is in violation of Conditions 7.1.8(a)(i)(A) and 7.1.8(b)(iv)(C)(2)(I) of its Title V Operating permit, 35 IAC 201.281, and 40 C.F.R. § 60.756(c)(2)(i).

34. By failing to operate the landfill gas control system for periods greater than one hour, WRS is in violation of Condition 7.1.8(b)(iii) of WRS' Title V Operating Permit and 40 C.F.R. § 60.755(e).

35. By failing to report well field exceedances to IEPA within 30 days in 2007, WRS is in violation of Condition 7.1.10 of WRS' Title V Operating Permit and 39.5(7)(f)(ii) of the Act.

36. By failing to operate the landfill gas control system in durations greater than one hour 84 times and using construction and demolition aggregate for daily cover, U.S. EPA has determined that WRS has failed to maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. This is a violation of 40 C.F.R. § 60.11(d).

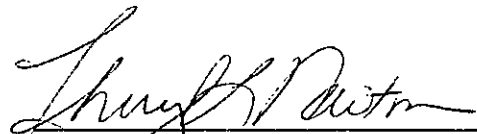
37. By emitting sulfur dioxide from the South Flare at rates greater than 0.40 pounds per hour, WRS is in violation of Condition 1.b.iii of Construction Permit No. 04120073.

38. By causing, threatening, or allowing the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, WRS is in violation of 35 IAC § 201.141.

39. By emitting greater than 2,000 ppm of sulfur dioxide from its flares, WRS is in violation of 35 IAC § 214.301.

40. WRS's violation of its Title V Operating Permit, its Construction Permit, and the SIP constitutes violation of section 502 of the CAA and 40 C.F.R. § 70.7(b).

2/4/10  
Date

  
Cheryl D. Newton  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**


I, Betty Williams, do hereby certify that a Notice and Finding of Violation of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Evan Buskohl, Environmental Manager  
5450 Wansford Way  
Suite 201  
Rockford, IL 61109

I also certify that I sent copies of the Notice and Finding of Violation by first class mail to:

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

on the 4<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
Betty Williams  
Administrative Program Assistant  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 76665193